

PSJ3

Exhibit 351

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**From:** Gray, John <jgray@hdmanet.org>  
**Sent:** Thursday, February 23, 2012 3:29 PM  
**To:** 'David Moody'; 'DNeu@amerisourcebergen.com'  
**Subject:** FW: Draft Amicus Brief Cardinal Health v. Holder  
**Attachments:** HDMA Amicus Brief Cardinal v. Holder 22 Feb 12 1500 (00290393).doc; Draft Motion for Leave To File Amicus Brief Cardinal v Holder 22 Feb 12 (00290389).doc  
  
**Importance:** High

Gentlemen:

Attached is a draft Amicus Brief that HDMA could file on behalf of our membership in support of the Cardinal case next week. I think it is an excellent recitation of our issues with DEA; however, I fear it may be too aggressive in Section III at this point in time. Could you please review this and let me know as soon as possible whether or not we should tone this down? Thanks.

John

-----Original Message-----

From: Richard Frank [mailto:[rfrank@ofwlaw.com](mailto:rfrank@ofwlaw.com)]  
Sent: Wednesday, February 22, 2012 8:26 PM  
To: Gray, John; Kelly, Patrick; Gallenagh, Elizabeth; Ducca, Anita  
Cc: David Durkin; Arthur Tsien; Richard Frank  
Subject: FW: Draft Amicus Brief Cardinal Health v. Holder  
Importance: High

HDMA colleagues...attached is the DRAFT Amicus Brief for your consideration. The Executive Committee asked that this be sent to them for approval (or objection) prior to filing. We should also run it by Cardinal's counsel. The sooner we can file this, the better. The hearing on the PI is next Wednesday. In order to ensure consideration by the Judge and his clerk(s), we need to file it no later than COB Monday. Please feel free to contact me or David if you have questions. David will work with Anita on the affidavit. rlf

-----Original Message-----

From: David Durkin  
Sent: Wednesday, February 22, 2012 8:15 PM  
To: Richard Frank  
Cc: Arthur Tsien; Jonathan M. Weinrieb  
Subject: Further Revised Draft Amicus Brief Cardinal Health v. Holder  
Importance: High

Rick,

As we just discussed, attached please find the draft amicus brief for HDMA's consideration in the Cardinal Health v. Holder litigation, together with the draft motion for leave to file.

As you know, the hearing is set for next Wednesday, February 29. The sooner we can get this before the Court, the better.

DLD

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